

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

CENTRAL STATES, SOUTHEAST AND SOUTHWEST AREAS PENSION FUND, and HOWARD McDougall, trustee,)	
)	
Plaintiffs,)	Case No. 08 C 1095
)	Judge Joan B. Gottschall
v.)	Magistrate Judge Maria Valdez
)	
DON DARR CHEVROLET, INC., a Delaware corporation,)	
)	
Defendant.)	

**PLAINTIFFS' AGREED MOTION FOR
ENTRY OF STIPULATED DISMISSAL ORDER**

NOW COME Plaintiffs, Central States, Southeast and Southwest Areas Pension Fund (the "Pension Fund") and Howard McDougall, by and through their undersigned counsel, and respectfully request that the attached Stipulated Dismissal Order (Exhibit A) be entered.

In support of this agreed motion, Plaintiffs state as follows:

1. On February 22, 2008, the Pension Fund filed a complaint against Don Darr Chevrolet, Inc., under the Employee Retirement Income Security Act ("ERISA") as amended by the Multiemployer Pension Plan Amendments Act of 1980, 29 U.S.C. § 1001 *et seq.*, to collect withdrawal liability due and owing to the Pension Fund, as well as interest, liquidated damages, attorneys' fees and costs.
2. The Defendant, Don Darr Chevrolet, Inc., indicated in its answer to the complaint that it did not receive the Notice and Demand for payment of withdrawal liability.
3. The parties have agreed to dismiss this case without prejudice so that

Plaintiffs can reserve the Notice and Demand for payment of withdrawal liability upon the Defendant. Counsel for the Defendant, Michael Kaemmerer, has agreed to accept service of the Notice and Demand for payment of withdrawal liability on behalf of the Defendant.

3. In light of the foregoing, Plaintiffs request that this Court enter the attached Stipulated Dismissal Order (Exhibit A). The order provides for the dismissal of this case without prejudice.

4. Prior to the filing of this motion, Plaintiffs' counsel, Rathna C. Rodgers, conferred with Michael Kaemmerer, counsel for Defendant. Mr. Kaemmerer stated that he has no objection to this motion.

WHEREFORE, Plaintiffs request that the attached Stipulated Dismissal Order (Exhibit A) be entered.

Respectfully submitted,

/s/ Rathna C. Rodgers
Rathna C. Rodgers
Attorney for Plaintiffs
Central States, Southeast and
Southwest Areas Pension Fund
9377 W. Higgins Road
Rosemont, Illinois 60018-4938
(847) 518-9800, Ext. 3435

May 23, 2008

EXHIBIT A

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

CENTRAL STATES, SOUTHEAST AND)
SOUTHWEST AREAS PENSION FUND,)
and HOWARD McDougall, trustee,)
Plaintiffs,) Case No. 08 C 1095
v.) Judge Joan B. Gottschall
Defendant.) Magistrate Judge Maria Valdez

STIPULATED DISMISSAL

NOW COME the Plaintiffs, Central States, Southeast and Southwest Areas Pension Fund, and Howard McDougall, Trustee, and the Defendant, Don Darr Chevrolet, Inc., by and through their respective counsel, and stipulate and agree pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure that this case be dismissed without prejudice and that each party bear its own costs.

Respectfully submitted,

/s/ Rathna C. Rodgers
Attorney for Plaintiffs Central States,
Southeast and Southwest Areas
Pension Fund
9377 West Higgins Road
Rosemont, Illinois 60018-4938
847/518-9800, Ext. 3435

SO ORDERED:

/s/ Michael Kaemmerer
Attorney for Defendant Don Darr
Chevrolet, Inc.
Michael Kaemmerer
McCarthy, Leonard, Kaemmerer, Owen
McGovern & Striler, L.C.
400 South Woods Mill Road, Suite 250
Chesterfield, MO 63017-3481

Enter:

Date: _____

United States District Judge Gottschall

CERTIFICATE OF SERVICE

I, Rathna C. Rodgers, one of the attorneys for the Central States, Southeast and Southwest Areas Pension Fund, certify that on May 23, 2008, I caused the foregoing Notice of Agreed Motion and the Plaintiffs' Agreed Motion for Entry of Stipulated Dismissal Order to be filed electronically. This filing was served on all parties indicated on the electronic filing receipt via the Court's electronic filing system.

s/ Rathna C. Rodgers

Rathna C. Rodgers (ARDC #06239131)
One of Central States' Attorneys